

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

EDWARD PEREZ,

Plaintiff,

v.

**HYANNIS AIR SERVICE, INC. d/b/a
CAPE AIR,**

Defendant.

1:10-cv-86

**TO: Lee J. Rohn, Esq.
Stephanie L. Adler, Esq.**

ORDER

THIS MATTER is before the Court upon Plaintiff's Motion For Reconsideration of Court's November 16, 2010 (Docket No. 7). This order is issued without necessity of response.

Plaintiff asks the Court to reconsider its Order denying his Motion For Extension of Time (Docket No. 6), entered November 16, 2010. Plaintiff asserts that when he filed his motion for extension, he was unaware that counsel had failed to notify the Court that

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Defendant had agreed to extend Plaintiff's time for filing his response until November 15, 2010.¹ Thus, Plaintiff claims that his motion for extension was not untimely.

Because the Court finds that Defendant did agree to extend Plaintiff's time for filing his response to November 15, 2010, the Court will modify its previous finding that Plaintiff's Motion For Extension of Time (Docket No. 5) was untimely.

However, the Court finds that Plaintiff failed to establish good cause for further extending the time period. Defendant filed its motion to transfer on October 6, 2010. Plaintiff's original time period for filing his response ran on October 20, 2010. Plaintiff then received a twenty-six (26) day-extension from Defendant. Thus, Plaintiff had nearly six (6) weeks within which to conduct the legal research he claims his response required. This matter is not so complex that additional time was necessary. In addition, Plaintiff has failed to explain why his witness' affidavit was impossible to have been obtained within the extended period.

Based upon the foregoing, the Court finds that Plaintiff has not demonstrated any basis for reconsideration.

¹Plaintiff originally requested an extension to November 3, 2010, to which Defendant agreed. Mot. at Ex. 1. On that date, Plaintiff requested an additional ten (10)-day extension, to which Defendant also agreed. Mot. at Ex. 2. The ten (10) day-period ended on November 13, 2010, which was a Saturday. The next business day was Monday, November 15, 2010.

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WHEREFORE, it is now hereby **ORDERED** that Plaintiff's Motion For Reconsideration (Docket No. 7) is **DENIED**.

ENTER:

Dated: November 30, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE